

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

**U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

v.

CONSOL ENERGY, INC.

and

CONSOLIDATION COAL COMPANY,

Defendants.

**Case No. 1:13-cv-00215
Judge Frederick P. Stamp Jr.**

**PLAINTIFF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
PROPOSED VOIR DIRE QUESTIONS**

In accordance with the Court's Order Granting As Framed Joint Motion to Extend Discovery and Pretrial Deadlines and Amend Scheduling (ECF #25), Plaintiff U.S. Equal Employment Opportunity Commission submits the following proposed inquiries during voir dire.

1. What is your occupation?
2. Are you currently employed? If so, what is the name of your employer, and how long have you worked there?
3. Have any of you been a party to or a witness in a lawsuit? If so, what was the outcome? Would your experience affect your ability to render a fair verdict in this case?
4. Have any of you previously served on a jury? If so, was it a civil or criminal matter? What was the case about? What was the outcome? Did you think the outcome was fair? Does your experience affect your ability to render a fair and impartial verdict in this case?
5. Have any of you ever been a manager or supervisor? If so, for what type of business?

6. Have any of you ever worked in the personnel or human resources department of a business or other employer? If so, what kind of business was it? What was your job?
7. Have you or any members of your family ever worked in a coal mine? If so, which one, and for what employer?
8. Have you ever heard of CONSOL Energy, Inc. or Consolidation Coal Company? If so, what do you know about these companies, and what is your source of information?
9. Have any of your friends or family members worked for either Consol Energy, Inc. or Consolidation Coal Company? If so, who worked for one of these companies, and at what location? What job did he or she hold, and how long? If no longer employed, why did he or she leave?
10. Do you currently own any stock in Consol Energy, Inc., or have you ever owned any stock in that company? Has any member of your family or a friend ever owned stock in Consol Energy, Inc.?
11. Have you or any members of your family ever had any contact with the U.S. Equal Employment Opportunity Commission or the West Virginia Human Rights Commission? If yes, what was the nature of the contact? How did you feel about the experience with EEOC or WVHRC?
12. Has anyone ever alleged that you or any family member committed discrimination? If yes, please explain. How did it make you feel? Is there anything about this experience that would render you unable to make a fair and impartial verdict in this case?
13. Do any of you disagree with federal laws that prohibit employers from engaging in discrimination in the workplace/? If yes, please explain.
14. Do any of you believe that an employer should not have to provide an accommodation for an employee's sincerely held religious belief? If yes, please explain.
15. Do any of you think that you could not follow the law concerning religious discrimination and accommodation as instructed by the Court?
16. Do any of you know what biometric hand scanning is? Have you ever used a biometric hand scanning system at your place of employment or anywhere else? If yes, please describe.
17. Do any of you know individuals affiliated with CONSOL Energy, Inc. or Consolidation Coal Company by the name of Samuel Johnson, Tom Hudson, Chris Fazio, or Mike Smith?
18. Do any of you know someone named Beverly R. Butcher, Jr. or Barbara Butcher?

19. Plaintiff is seeking damages for emotional distress in this case. Do any of you believe that damages should not be awarded to any plaintiff for emotional distress?

20. Punitive damages are those damages awarded to punish an employer and deter that employer and other employers from committing similar violations of the law in the future. Do you believe that punitive damages should not be awarded against any employer?

21. In this case, the U.S. Equal Employment Opportunity Commission has brought a lawsuit against Consol Energy and Consolidation Coal Company alleging that they failed to give a religious accommodation to Beverly R. Butcher, Jr. by exempting him from their biometric hand scanning system at the Robinson Run Mine. Have any of you heard or read anything about this case? If yes, what have you heard or read? Have you formed an opinion about what you have heard or read?¹

Respectfully submitted,

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

s/ Ronald L. Phillips
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¹ EEOC will be submitting a proposed questionnaire for potential jurors concerning the ability of jurors to render a fair verdict to both parties in light of the religious beliefs at issue in this case. EEOC requests that in the event the Court determines that a questionnaire will not be used, that the questions posed in the proposed questionnaire be asked during voir dire.

CERTIFICATE OF SERVICE

I hereby certify that on the 30th day of December, 2014, I electronically filed
PLAINTIFF U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S
PROPOSED VOIR DIRE QUESTIONS with the Clerk of the Court using the CM/ECF
system, which will send notification of such filing to all counsel of record.

By: /s/ Alan G. McGonigal
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